

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPERANZA BENCOSNE,

Plaintiff,

v.

BEAUTIFUL PARADISE RESTAURANT
CORP, MARIBELLA PARADISE
RESTAURANT CORP., JUAN A.
GUERRA MARTINEZ, Individually, and
VICTOR PEGUERO SOLANO,
Individually,

Defendants.

ORDER

22 Civ. 1567 (PGG) (SN)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS Plaintiff commenced this action on February 25, 2022 by filing the Complaint (Dkt. No. 1);

WHEREAS Plaintiff served Defendants Beautiful Paradise Restaurant Corp. and Maribella Paradise Restaurant Corp. on March 16, 2022 (Dkt. Nos. 8-9), and Defendant Victor Peguero Solano on March 28, 2022 (Dkt. No. 10);

WHEREAS no Defendant has filed an answer, responded to the Complaint, or appeared in this action;

WHEREAS Plaintiff moved by order to show cause for a default judgment (Dkt. No. 34);

WHEREAS this Court ordered Defendants to show cause on December 14, 2022 why a default judgment should not be entered against them (Dkt. No. 40);

WHEREAS Plaintiff served the Order to Show Cause on Defendants Maribella Paradise and Solano on December 14, 2022 and on Defendant Beautiful Paradise on December 15, 2022 (Dkt. Nos. 41, 43–44);

WHEREAS Defendants filed no opposition to Plaintiff's motion for a default judgment and did not appear at the January 6, 2023 hearing;

WHEREAS Plaintiff has been unable to serve the Order to Show Cause on Defendant Juan A. Guerra Martinez (Dkt. No. 45);

IT IS HEREBY ORDERED that an order of default is entered against Defendants Beautiful Paradise Restaurant Corp., Maribella Paradise Restaurant Corp., and Victor Peguero Solano.

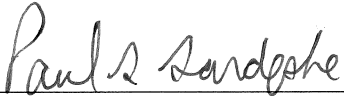
IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Netburn for a report and recommendation regarding Plaintiff's request for damages, attorneys' fees, and costs.

IT IS FURTHER ORDERED – with the consent of Plaintiff – that all claims against Defendant Juan A. Guerra Martinez are dismissed without prejudice. The Clerk of Court is directed to terminate Defendant Martinez only.

The Clerk of Court is directed not to close this case.

Dated: New York, New York
January 6, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge